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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/752,907 | 01/06/2004 | Raymond Welles | 02581/LH | 5070 |

1933 7590 04/14/2005

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

CHIU, RALEIGH W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3711

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|--------------------------------------|--|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | Application No. 10/752,907 | Applicant(s) WELLES, RAYMOND | |
| | Examiner Raleigh Chiu | Art Unit 3711 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-4,6-13 and 18-42.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
 13. ☐ Other: _____.



Raleigh Chiu
Primary Examiner
Art Unit: 3711

Continuation of 11. does NOT place the application in condition for allowance because: with respect to claim 1, the combined teachings of Matthews teaching the concept of varying the weight of the golf implement to accommodate different users and Benson teaching the concept of varying the weight of a golf implement by using reversibly-coupling weights would have made removably attaching a golf ball to the end of a shaft obvious to one of ordinary skill in the art; to select features from the prior art to effect results expected from these features is within the purview of 35 USC 103. With respect to claims 18, 34 and 37, although Burke does not explicitly disclose pressure sensors, the fact that McTeigue teaches the concept of providing feedback for parameters such as grip pressure, it would have been naturally obvious to one of ordinary skill in the art to use pressure sensors to detect grip pressure; further, as set forth in the Final rejection, it also would have been obvious to one of ordinary skill in the art to generate different words for different swing flaws to provide clear distinction among flaws for instructional clarity.

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NO. 2853 P. 1

Attorney Docket No. 02581/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Raymond WELLES

Serial No. : 10/752,907

Filed : January 6, 2004

For : Golf Swing Practicing
Device and Method

Art Unit : 3711

Examiner : Raleigh W. Chiu

CERTIFICATE OF FACSIMILE
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TOTAL PAGES: 18
I hereby certify that this
paper is being facsimile
transmitted to the
Commissioner for Patents,
on the date noted below.

N. Saneedo
Nalini P. Saneedo

Dated: March 29, 2005

In the event that this Paper is late filed, and the
necessary petition for extension of time is not filed
concurrently herewith, please consider this as a Petition
for the requisite extension of time, and to the extent not
tendered by credit card payment, authorization to
charge the extension fee, or any other fee required in
connection with this Paper to Account No. 06-1378.

AMENDMENT UNDER 37 C.F.R. 1.116

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

In response to the Office Action dated March 23, 2005,
please amend the present application as follows:

INTRODUCTORY COMMENTS

Amendments to the Claims are reflected in the listing of
claims which begins on page 2 of this paper. Claims 19-23, 26-28,
30-33, 37 and 39-42 are amended, claims 1-4, 6-13 and 34-36 are
maintained, claims 5, 14-18, 24, 25, 29 and 38 are cancelled.

Remarks/Arguments begin on page 11 of this paper.

ABT
entered
file